



**Homeland
Security**

Privacy Office, Mail Stop 0655

July 2, 2019

SENT BY ELECTRONIC MAIL TO: foia@americanoversight.org

Austin R. Evers
Executive Director
1030 15th Street, NW
Suite B255
Washington, DC 20005

Re: 2019-HQFO-00274

Dear Mr. Evers,

This is the final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated January 10, 2019, and received by this office on January 11, 2019. You are seeking all email communications of the DHS officials specified below related to the number of known and suspected terrorists (KST) and special interest aliens (SIAs) apprehended at the southern border of the United States, including, but not limited to, any email communications with White House officials (including anyone with an email address ending in eop.gov) and any communications with Congressional members or staff (including anyone with an email address ending in mail.house.gov or senate.gov). In addition, the DHS search the files of the following DHS officials for records responsive to this request: Secretary Kirstjen Nielsen, Acting Deputy Secretary Claire Grady, Chief of Staff Chad Wolf, anyone serving in the capacity of White House Liaison or Deputy White House Liaison, Assistant Secretary for Legislative Affairs, Christine Ciccone, Deputy Assistant Secretary for Legislative Affairs David Wonnenberg, Deputy Assistant Secretary for Legislative Affairs Uyen Dinh, and anyone serving on the behalf of any of those listed above such as a special or administrative assistant (Date Range for Record Search: From 1/1/2019 To 1/11/2019).

A search of the Office of the Chief Information Officer (OCIO) for documents responsive to your request produced a total of 35 pages. Of those pages, I have determined that two pages of the records are releasable in their entirety, four pages are partially releasable, and 29 pages are withheld in their entirety pursuant to Title 5 U.S.C. § 552 (b)(5)(b)(6), FOIA Exemptions 5 and 6.

Enclosed are six pages with certain information withheld as described below.

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges

are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, I determined that portions of the responsive documents qualify for protection under the **Deliberative Process Privilege**. The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The types of documents and/or information that we have withheld may consist names and contact information. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

Twenty-nine pages are withheld in full as described below.

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, I determined that portions of the responsive documents qualify for protection under the

- **Deliberative Process Privilege.** The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter, to: Privacy Office, Attn: FOIA Appeals, U.S. Department of Homeland Security, 245 Murray Lane, SW, Mail Stop 0655, Washington, D.C. 20528-0655, following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.8. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS FOIA regulations are available at www.dhs.gov/foia.

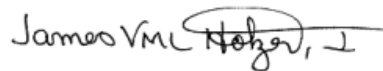
Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records

Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Provisions of FOIA allow DHS to charge for processing fees, up to \$25, unless you seek a waiver of fees. In this instance, because the cost is below the \$25 minimum, there is no charge.

If you need any further assistance or would like to discuss any aspect of your request, please contact our office and refer to **2019-HQFO-00274**. You may send an e-mail to foia@hq.dhs.gov, call 202-343-1743 or toll free 1-866-431-0486, or you may contact our FOIA Public Liaison in the same manner.

Sincerely,

A handwritten signature in black ink that reads "James V. McHolzer, Jr." with a stylized flourish at the end.

James Holzer
Deputy Chief FOIA Officer

Enclosure(s): [6] pages

From: LADOWICZ, JOHN P
Sent: 2 Jan 2019 09:50:23 -0500
To: Taylor, Miles; Bobb, Christina; Dinh, Uyen; (b)(6) Blank, Thomas; (b)(6) Kovacic, Raymond; ESEC-BBIC
Cc: Ciccone, Christine; Foltz, Jon
Subject: RE: SIA Report
Attachments: SIA Paper, CBP to DHS, jm and tp cmmmts.docx

Good Morning,

CBP edits attached.

Best, Pete

Pete Ladowicz

Assistant Commissioner

Office of Congressional Affairs

U.S. Customs and Border Protection

(b)(6)

From: Taylor, Miles (b)(6)
Sent: Wednesday, January 2, 2019 8:30 AM
To: Bobb, Christina (b)(6) Dinh, Uyen (b)(6) (b)(6)
(b)(6) (b)(6) Blank, Thomas (b)(6) (b)(6)
(b)(6) Kovacic, Raymond (b)(6) ESEC-BBIC
(b)(6) LADOWICZ, JOHN P (b)(6)
Cc: Ciccone, Christine (b)(6) Foltz, Jon (b)(6)
Subject: Re: SIA Report

Thanks all. We need this done by 12 noon. Absolutely no later. That is because the committee is going to release the report today one way or the other so we need to make sure they have our edits and/or redactions if there are any.

Miles Taylor

Deputy Chief of Staff

U.S. Department of Homeland Security

(b)(6)

From: Bobb, Christina (b)(6)
Sent: Wednesday, January 2, 2019 7:53 AM
To: Dinh, Uyen; (b)(6) Blank, Thomas; (b)(6) Kovacic, Raymond; ESEC-BBIC;
LADOWICZ, JOHN P
Cc: Taylor, Miles; Ciccone, Christine; Foltz, Jon
Subject: Re: SIA Report

Thanks, Uyen,

I am exempt. Please run the component clearance (ICE). Once I get your thumbs up that it's clear d from a component stand point, I will clear it through the FO. Thanks.

Christina Bobb

DHS Executive Secretary

(b)(6)

From: Dinh, Uyen
Sent: Wednesday, January 2, 2019 7:50:16 AM
To: (b)(6) Blank, Thomas; (b)(6) Kovacic, Raymond; ESEC-BBIC; Bobb, Christina;
LADOWICZ, JOHN P
Cc: Taylor, Miles; Ciccone, Christine; Foltz, Jon
Subject: Re: SIA Report

+ ESEC for coordination.

If ESEC is furloughed, OLA can make changes/edits.

Pls copy me & we'll take care of it.

Cheers,

Uyen

From: (b)(6) (b)(6)
Sent: Tuesday, January 1, 2019 7:36 PM
To: Blank, Thomas; (b)(6)
Cc: Taylor, Miles; Ciccone, Christine; Dinh, Uyen
Subject: Fwd: SIA Report

Good evening Tom and Joe,

Attached is a Congressional report discussing SIAs. While the report says they ran it by interested parties, there are quite a few ICE equities in the mix so would the ICE team please review and notify Christine and Uyen if there is any heartburn with any of the information contained therein? OLA needs any comments first thing in the morning so they can provide them to the committee by noon.

Thanks and Happy New Year!

(b)(6)

From: Taylor, Miles (b)(6)
Sent: Tuesday, January 1, 2019 6:57 PM
To: LADOWICZ, JOHN P; FLANAGAN, PATRICK S; Fedor, Mark J CAPT; (b)(6)
(b)(6)
Cc: Ciccone, Christine; Lim, Evelyn; (b)(6) (b)(6) Marquardt, Kristen; Dinh, Uyen
Subject: Fwd: SIA Report

CBP and USCG teams (and Counselors),

Given the shutdown, have folks been able to review this Congressional ?task force? report that?s slated for release late tomorrow? (b)(5)
(b)(5)

Please review ASAP and ensure our comments and any requested omissions/redactions/etc. reach the Committee by 12 noon tomorrow. OLA should lead coordination.

Miles

Miles Taylor

Deputy Chief of Staff

U.S. Department of Homeland Security

(b)(6)

From: (b)(6)

Sent: Monday, December 31, 2018 8:15 PM

To: Taylor, Miles

Subject: SIA Report

Miles,

Happy New Years Eve,

Sent a very similar document to Pete Ladowitz at CBP last week for comment. We are getting prepared to release and wanted to make sure you had a chance to see before we publish.

Thanks!

(b)(6)

Sent from my iPhone

Page 05

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

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APPENDIX

Previous Task Force Bills that Became Public Law:

H.R. 158 (P.L. 114-113)	Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015 (as part of H.R. 2029 – the Consolidated Appropriations Act of 2016)	Candice Miller (R-MI)
H.R. 4402 (P.L. 114-328)	Foreign Fighter Review Act of 2016 (as part of S. 2943 – National Defense Authorization Act for Fiscal Year 2017)	Will Hurd (R-TX)
H.R. 4408 (P.L. 114-328)	National Strategy to Combat Terrorist Travel Act of 2016 (as part of S. 2943 – National	John Katko (R-NY)

Previous Task Force Bills that Passed the House in the 114th Congress:

H.R. 4314	Counterterrorism Screening and Assistance Act of 2016	Lee Zeldin (R-NY)
H.R. 4401	ALERT Act of 2016	Barry Loudermilk (R-GA)
H.R. 4403	Enhancing Overseas Traveler Vetting Act	Will Hurd (R-TX)
H.R. 4404	Terrorist and Foreign Fighter Travel Exercise Act of 2016	Martha McSally (R-AZ)
H.R. 4407	Counterterrorism Advisory Board Act of 2016	John Katko (R-NY)
H.R. 4820	Combating Terrorist Recruitment Act of 2016	Chuck Fleischmann (R-TN)
H.R. 5471	Countering Terrorist Radicalization Act	Michael McCaul (R-TX)

Previous Task Force Bills that Passed the House in the 115th Congress:

H.R. 4555	DHS Interagency Counterterrorism Task Force Act of 2017	John Rutherford (R-FL)
H.R. 4564	Post-Caliphate Threat Assessment Act of 2017	Clay Higgins (R-LA)
H.R. 4569	Counterterrorism Information Sharing Improvement Act of 2017	Mike Gallagher (R-WI)
H.R. 4581	Screening and Vetting Passenger Exchange Act of 2017	Brian Fitzpatrick (R-PA)